



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Benjamin Y.H. Liu et al.

Appln. No. : 10/823,143

Filed : April 13, 2004

For : METHOD AND APPARATUS FOR
CASCADE IMPACTOR TESTING OF
INHALABLE DRUG THERAPIES
FOR CHEMICAL ANALYSIS

Docket No.: M419.12-0044

Group Art Unit: 3653

Examiner:

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

R. Bellile, Jr.
23 DAY OF Sept 2004
PATENT ATTORNEY

Sir:

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97. Copies of the patents or publications cited are enclosed, except as waived by the Official Gazette notice of August 5, 2003 regarding copies of U.S. Patents and Published Applications.

TIME OF FILING

The information disclosure statement is being filed:

1. X with the application or within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. In accordance with 37 C.F.R. § 1.97(b), no statement or fee is required.

2. _____ after the time period specified in paragraph 1 above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311. Therefore, in accordance with 37 C.F.R. §

1.97(c), submitted herewith is:

(check either A or B below)

- A. a statement as specified in 37 C.F.R. § 1.97(e).
- B. the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).

3. after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:

- A. a statement as specified in 37 C.F.R. § 1.97(e);
- B. the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT

(only used if No. 2(A) or No. 3 above is checked)

The person(s) signing below certify

(check appropriate paragraph)

that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(1).

OR

that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(2).

METHOD OF PAYMENT

X No fee is required.

 Attached is a check in the amount of \$_____.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

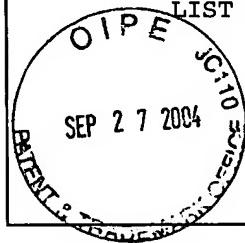
Respectfully submitted,

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| FORM PTO-1449 | | Atty. Docket No.: M419.12-0044 | Appl. No.: 10/823,143 |
|  <p style="text-align: center;">LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</p> | | First Named Inventor: | |
| | | Benjamin Y.H. Liu | |
| | | Filing Date | Group Art: |
| | | April 13, 2004 | 3653 |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document No. | Date | Name | Class | Sub Class | Filing Date If Appropriate |
|------------------|--------------|---------|-------------------|-------|-----------|----------------------------|
| AA | 2,538,116 | 1/1951 | May | 73 | 28 | |
| AB | 3,127,763 | 7/1961 | Lippmann | 73 | 28 | |
| AC | 3,518,815 | 7/1970 | McFarland et al. | 55 | 241 | |
| AD | 3,693,457 | 9/1972 | Pilat | 73 | 28 | |
| AE | 4,133,202 | 1/1979 | Marple | 73 | 28 | |
| AF | 4,274,846 | 6/1981 | Smith | 55 | 270 | |
| AG | 4,321,822 | 3/30/82 | Marple et al. | 73 | 28 | |
| AH | 4,391,151 | 7/1983 | Nelson et al. | 73 | 863.23 | |
| AI | 4,400,982 | 8/1983 | Bell | 73 | 863.22 | |
| AJ | 4,452,068 | 6/1984 | Loo | 73 | 28 | |
| AK | 4,463,595 | 8/1984 | Yeh et al. | 73 | 28 | |
| AL | 4,523,990 | 6/1985 | Duyckinck | 209 | 138 | |
| AM | 4,570,494 | 2/1986 | Dunn et al. | 73 | 863.22 | |
| AN | 4,640,140 | 2/1987 | Burghoffer et al. | 73 | 863.22 | |
| AO | 4,725,294 | 2/1988 | Berger | 55 | 270 | |
| AQ | 4,764,186 | 8/1988 | Langer | 55 | 17 | |
| AQ | 4,827,779 | 5/1989 | Marple et al. | 73 | 863.22 | |
| AR | 4,972,957 | 11/1990 | Liu et al. | 209 | 143 | |
| AS | 5,201,231 | 4/1993 | Smith | 73 | 863.22 | |
| AT | 5,343,767 | 9/1994 | Marple et al. | 73 | 863.22 | |
| AU | 5,437,198 | 8/1995 | John | 73 | 863.22 | |
| AV | 5,693,895 | 12/1997 | Baxter | 73 | 863.22 | |
| AW | 6,101,886 | 8/2000 | Brenizer et al. | 73 | 863.22 | |
| AX | 6,267,016 | 7/2001 | Call et al. | 73 | 863.22 | |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FOREIGN PATENT DOCUMENTS

| | | Document No. | Date | Country | Class | Sub Class | Translation Yes No |
|--|----|--------------|----------|---------------|-------|-----------|----------------------------|
| | AY | 2179273 | | Great Britain | | | |
| | AZ | 1354261 | | Great Britain | | | |
| | BA | 3545120 | | Germany | | | (Abstract Only) |
| | BB | 3110871 | | Germany | | | (Abstract Only) |
| | BC | DE 2832238 A | 1981 | Germany | | | abstract only |
| | BC | 2,351,155 | 12/20/00 | Great Britain | | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|-----------|------------------|
| AQ | |
| EXAMINER: | DATE CONSIDERED: |

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